IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1295 OF 2006
IN
CRIMINAL APPEAL NO. 1237 OF 2006.

Ganesh @ Chintamani Gokulsing
Kaiburgiwale ..Applicant
V/s
State of Maharashtra & Ors. ..Respondents.

Mr. S.S. Shah for the applicant.
Mr. D.P. Adsule, A.P.P. for the State.

CORAM : J.H. BHATIA, J.

DATE : 9TH JANUARY, 2007.

P.C.

. Heard Mr. S.S. Shah, the learned Counsel for the applicant and Mr. Adsule, the learned A.P.P. for the State. The applicant was prosecuted for the offence punishable under section 307 of I.P.C. for attempt to commit murder of three children by burning them, but he was convicted for the offence punishable under section 326 of IPC holding that there was no intention to cause death of the children. The learned trial Court sentenced him to undergo R.I.for 5 years and to pay fine of Rs. 75,000/-, in default to pay fine further R.I. for 2 years.

2. The Criminal Appeal No. 1237/2006 filed by the applicant is already admitted. By this application the applicant seeks to be released on bail pending the final hearing and disposal of the appeal. The applicant was on bail during the trial and there is nothing to show that he had misused the bail. On the last occasion the learned Counsel for the applicant had made a statement that there are no criminal antecedents of the present applicant. The learned A.P.P. is not in a position to make any statement as the concerned investigating officer has not given any instructions in spite of the time given for this purpose. After going through some parts of the impugned Judgment and above referred circumstances, I find that this is a fit case to grant bail pending the hearing and final disposal of the appeal. Mr. Shah, the learned Counsel for the applicant states that the applicant is a poor labourer living in the slum area and therefore, he will not be in a position to deposit the whole of the fine amount of Rs. 75,000/-.

3. Taking into consideration the above circumstances, pending hearing and final disposal of the Criminal Appeal No. 1237/2006, the applicant shall be

released on bail on same terms and conditions as before the trial Court subject to execution of fresh bail bonds and subject to depositing 50% of the fine amount.

(J.H. BHATIA, J.)